

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY AMAKER,

Plaintiff,

v.

ORDER
10-CV-464A

BRIAN S. FISCHER, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On October 21, 2013, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' third motion to dismiss plaintiff's pro se complaint be granted in part. Specifically the Magistrate Judge recommended that defendants Fischer, LeClaire, Kirkpatrick and Bezio be dismissed from the action and that plaintiff's amended complaint be limited to a cause of action for denial of due process during the course of a disciplinary hearing on May 22, 2010 against defendants Kearney, Croston, Rynlewicz and Keenan and that Acting Director Prack and ITC Krygier be added as defendants on the cause of action.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons

set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants Fischer, LeClaire, Kirkpatrick and Bezio are dismissed from the action and plaintiff's amended complaint is limited to a cause of action for denial of due process during the course of a disciplinary hearing on May 22, 2010 against defendants Kearney, Croston, Rynlewicz and Keenan and Acting Director Prack and ITC Krygier are added as defendants on the cause of action

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 19, 2013